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EXAMINER

CHEN, TSE W

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/752,644

Applicant(s)

KEDIA ET AL.

Examiner

Tse Chen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 29-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

In view of the appeal brief filed on September 6, 2006, PROSECUTION IS HEREBY REOPENED. New ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31. A new notice of appeal fee and appeal brief fee will not be required for applicant to appeal from the new Office action. Any appeal brief filed on or after September 13, 2004 must comply with 37 CFR 41.37.

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “wireless headset being coupled to the low-power subsystem through a wireless interface of the low power subsystem” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must

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be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

2. Claim 51 is objected to because of the following informalities: "when the computer system in a low power mode" should be "when the computer system is in a low power mode".

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 29-56 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant did not disclose the subject matter of "the wireless headset being coupled to the low-power subsystem through a wireless interface of the low-power subsystem"; "a wireless interface to receive verbal instruction from a user through a wireless headset coupled to

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the wireless interface”; and “the processor providing access to a computer system when the computer system [is] in a low power mode in response to verbal instructions from the speech recognition unit”. Prior art is still applied.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 34 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant did not disclose the particular version or operating class associated with the BLUETOOTH trademark. Examiner submits that different BLUETOOTH versions or operating classes inherently have different characteristics [e.g., specific profile elements] that would affect the scope of the claims. To proceed with prosecution, Examiner will assume the version to be 1.0.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 29, 31-33, 36-38, 42-52, 54-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber et al., US Patent 6240521, hereinafter Barber, in view of Hedin et al., US Patent 6185535, hereinafter Hedin, in view of Ditzik, US Patent 5983073.

9. In re claim 29, Barber discloses a method comprising:

- Transitioning a central processing unit (CPU) [high speed processor 42] of a computer system [40] into a low power mode [sleep] [col.4, ll.4-12], the computer system having a computer system memory [RAM, DISK, fig.2] [col.3, ll.36-52].
  - Activating a low power subsystem [44 with associated components] that is independent of the CPU when the CPU transitions into the low power mode [col.4, ll.13-22].
  - Independent of the CPU, interpreting the instructions from the user at a unit [44] of the low-processor subsystem [col.2, ll.13-19; col.3, ll.36-52; col.4, ll.13-22; 44 processes user inputs related to word processing].
  - Independent of the CPU and in response to the instructions, accessing data [e.g., contents of memory associated with process state] contained within the computer system memory using a processor [44] of the low power subsystem [col.2, ll.13-19; col.3, ll.36-52; col.4, ll.13-22; 44 accesses data such as word processing from computer system memory while 42 is in sleep mode inactive].
10. Barber did not disclose the instructions from the user to be verbal.
11. Hedin discloses a method comprising:
- Activating a low power subsystem [101] [col.4, ll.48-65; 101 operates at low power and independent of a higher power CPU 103].
  - Receiving verbal instructions from a user through a unit [headset associated with hands free as is well known in the art] [col.1, l.45; col.1, ll.47-55].
  - Interpreting the verbal instructions from the user at a speech recognition unit [resource] of the low power subsystem [col.1, ll.47-55; interprets the simple speech independent of CPU 103].

- In response to the verbal instructions, accessing data [e.g., phone book] using a processor of the low-power subsystem [col.4, l.48 – col.5, l.17].

12. Hedin did not disclose explicitly the verbal instructions to be received hands free through a wireless headset.

13. Ditzik discloses a method comprising receiving verbal instructions from a user through a wireless headset [14, 34], the wireless headset being coupled to the subsystem [51 with associated components] through a wireless interface [32] of the subsystem [fig.7] [col.8, ll.4-58; col.9, l.55 – col.10, l.10; col.11, ll.37-46; col.13, ll.1-30] [Applicant admits Ditzik teaches speech recognition by the computer on pg.9 of appeal brief filed September 6, 2006].

14. It would have been obvious to one of ordinary skill in the art, having the teachings of Barber, Hedin and Ditzik before him at the time the invention was made, to modify the system taught by Barber to include the verbal instruction teachings of Hedin and the explicit wireless headset teachings of Ditzik, in order to provide hands free capability while performing multiple tasks [Hedin: col.1, ll.45-46] with low electrical power electromagnetic fields [Ditzik: col.8, ll.4-58]. One of ordinary skill in the art would have been motivated to make such a combination as it provides a safe way to more conveniently operate a computer system.

15. In re claim 38, Barber, Hedin and Ditzik disclose each and every limitation as discussed above in reference to claim 29. Barber, Hedin and Ditzik disclose the method of operating the apparatus comprising a computer system and a low power subsystem; therefore, Barber, Hedin and Ditzik disclose the apparatus.

16. In re claim 51, Barber, Hedin and Ditzik disclose each and every limitation as discussed above in reference to claim 29. Barber, Hedin and Ditzik disclose the method of operating a low

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power subsystem; therefore, Barber, Hedin and Ditzik disclose the low power subsystem. Hedin further discloses a processor [235] coupled to the speech recognition unit [227], the processor providing access to a computer system [comprises 201, 203, 205, 207] when the computer system is in a low power mode in response to verbal instructions from the speech recognition unit [col.4, l.48 – col.5, l.17].

17. As to claim 31, Barber discloses, wherein accessing data contained within the computer system memory comprises accessing data contained within a disk drive unit [DISK] [col.3, ll.40-45].

18. As to claims 32 and 42, Barber discloses, wherein the data contained in the shared database includes multimedia data [col.1, l.65 -- col.2, l.1; multimedia presentations operates with multimedia data which would still be in the shared memory system regardless of which processor is active].

19. As to claim 33, Ditzik discloses, comprising accessing data from a network [external wide area communications network] via the wireless interface of the [low-power] subsystem [col.5, ll.52-59].

20. As to claim 36, Ditzik discloses, comprising presenting the data accessed to a user via a display [fig.3c] of the low power subsystem [col.13, ll.24-30; display graphics].

21. As to claim 37, Ditzik discloses, comprising presenting the data accessed to a user via an audio output [e.g., 14a] of the wireless headset [col.8, ll.4-58].

22. As to claim 43, Ditzik discloses, wherein the wireless interface [e.g., cdma] of the [low power subsystem] connects with a local area network [col.5, ll.52-59; col.8, ll.4-58].



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23. As to claim 44, Ditzik discloses, wherein the [low power] subsystem comprises a video display [fig.3c] to display data accessed from the computer system [col.13, ll.24-30; display graphics].
24. As to claim 45, Ditzik discloses, comprising receiving commands at the computer system through the wireless interface as verbal instructions [col.5, ll.52-59; col.8, ll.4-58].
25. As to claim 46, Ditzik discloses, comprising presenting the data accessed from the computer system through an audio headset as audio data transmitted from a wireless interface [col.5, ll.52-59; col.8, ll.4-58].
26. As to claim 47, Ditzik discloses, comprising sending the data accessed from the computer system to a cellular phone [fig.7; col.5, ll.52-59; col.12, ll.50-67; 14 transmits data to other cellular phones operating in CDMA].
27. As to claim 48, Ditzik discloses, wherein the computer system comprises a main screen [4] and the [low power] subsystem comprises a miniature display screen [fig.3c] and wherein the [low power subsystem] including the miniature display screen is activated when the main screen is closed [col.8, ll.4-58; col.9, l.55 – col. 10, l.10; col.13, ll.1-30].
28. As to claims 49 and 55, Ditzik discloses, wherein the computer system comprises stored multimedia data [e.g, graphics], wherein the low power subsystem accesses the stored multimedia data and wherein the low power subsystem presents the multimedia data to a user through the wireless interface [col.13, ll.24-30; data is presented through the use of cdma].
29. As to claims 50 and 56, Ditzik discloses, wherein the low power subsystem presents the multimedia data to the user over a miniature display screen [fig.3c] of the low power subsystem [col.13, ll.24-30; e.g., display graphics on screen].

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30. As to claim 52, Barber discloses, wherein the processor [42] provides access to the computer system through a shared database [50] coupled to the low power subsystem [50] and the computer system.

31. As to claim 54, Ditzik discloses, wherein the wireless interface further connects to an external network [external wide area communications network] [col.5, ll.52-59; col.8, ll.4-58].

32. Claims 30, 39-41, 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barber, Hedin and Ditzik as applied to claims 29, 38 and 51 above, and further in view of Kabelshkov, US Patent 6108663.

33. Barber, Hedin and Ditzik taught each and every limitation as discussed above in reference to claims 29, 38 and 51. Barber, Hedin and Ditzik did not discuss the details of accessing data.

34. In re claims 30 and 53, Kabelshkov discloses a method wherein accessing data comprises accessing data through a shared database [relational database of 31] of a low power subsystem [30], the method further comprising storing at least a partial copy of data accessed from a computer system [10] memory [34] in the shared database [col.4, ll.36-61].

35. In re claim 39, Kabelshkov discloses a low-power subsystem [30] accesses the computer system [10] through a shared database [relational database of 31] [col.4, ll.36-61].

36. It would have been obvious to one of ordinary skill in the art, having the teachings of Kabelshkov, Barber, Hedin and Ditzik before him at the time the invention was made, to incorporate the teachings of Kabelshkov as the shared database taught by Kabelshkov is well known to be suitable for use in the system of Barber, Hedin and Ditzik. One of ordinary skill in

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the art would have been motivated to make such a combination as it provides an efficient way to access data [Kabelshkov: col.4, ll.50-56].

37. As to claim 40, Ditzik discloses, wherein the computer system [fig.7] comprises:

- A CPU [38].
- A memory device [40] couple to the CPU.
- A disk drive unit [42] couple to the CPU.

38. As to claim 41, Kabelshkov discloses wherein the shared database is coupled to the disk drive unit [fig.2], the shared database to store at least a partial copy of data stored on the disk drive unit [col.4, ll.36-61].

39. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barber, Hedin and Ditzik as applied to claim 29 above, and further in view of Maruyama et al., U.S. Patent 6760074, hereinafter Maruyama.

40. Barber, Hedin and Ditzik taught each and every limitation as discussed. Barber, Hedin and Ditzik did not disclose explicitly using BLUETOOTH.

41. Maruyama discloses a wireless [phs] comprising BLUETOOTH communicating with the low power subsystem through a BLUETOOTH interface of the wireless interface [col.10, l.54 – col.11, l.23].

42. It would have been obvious to one of ordinary skill in the art, having the teachings of Maruyama, Barber, Hedin and Ditzik before him at the time the invention was made, to incorporate the teachings of Maruyama as the BLUETOOTH [version 1.0] is well known to be suitable for use with the headset taught by Ditzik. One of ordinary skill in the art would have

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been motivated to make such a combination as it provides a way to communicate with a wide variety of devices.

43. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barber, Hedin and Ditzik as applied to claims 33 above, and further in view of Chen et al., U.S. Patent 5590197, hereinafter Chen.

44. Barber, Hedin and Ditzik disclose every limitation as discussed above. Barber, Hedin and Ditzik did not disclose explicitly the network being an electronic store.

45. Chen discloses a network [fig. 1] as an electronic store [merchant processor] allowing an electronic purchase [col.4, ll.46-50].

46. It would have been obvious to one of ordinary skill in the art, having the teachings of Chen, Barber, Hedin and Ditzik before him at the time the invention was made, to modify the system as taught by Barber, Hedin and Ditzik to include the network as taught by Chen, in order to obtain an electronic store allowing an electronic purchase. One of ordinary skill in the art would have been motivated to make such a combination as it provides a way to extend the computer system's capabilities [Ditzik: col.2, l.33 - col.3, l.22].

#### ***Response to Arguments***

47. Applicant's arguments filed September 6, 2006 have been fully considered but they are not persuasive.

48. Applicant argues that Ditzik does not support "access data within the computer system memory using the cellular telephone". Examiner disagrees and submits Applicant's admission that Ditzik does disclose that the "computer can access outside WANs or the Internet though the cellular telephone's radio". It is well known in the art that computer systems inherently require

memory in order to operate. Thus, Applicant's admission demonstrates that data [e.g., commands, parameters, etc.] within the computer system memory is accessed using the cellular telephone in accessing outside WANs or the Internet.

49. Applicant concedes that Ditzik does disclose "performing 'communications' when the lid of the computer is closed", but alleges that "there is no explanation of what those 'communications' may be". Examiner points out that Ditzik clearly discloses the communications to be "voice, data, and/or video communications" [col.9, ll.58-59].

50. Applicant argues that there is no "inherent suggestion of a wireless interface to transform verbal commands to CDMA signals for communication". Examiner disagrees and submits Applicant's admission that Ditzik does disclose "CDMA voice communications through the... cellular telephone 14 in the conventional manner". It is well known in the art that CDMA communications involve encoding/decoding/sending processes that require a wireless interface [cellular]. Examiner notes that Applicant did not disclose any specific or even any enabling means involving a "wireless interface" that would allow the claimed invention to work without undue experimentation.

51. Applicant argues that there is no "inherent suggestion of a processor to process data communication of a low power subsystem". Examiner disagrees and submits Applicant's admission that Ditzik does disclose that the "computer can access outside WANs or the Internet though the cellular telephone's radio". Thus, Applicant's admission demonstrates that data [e.g., commands, parameters, etc.] is processed [i.e., by some processor] using the cellular telephone in accessing outside WANs or the Internet.

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52. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. Examiner submits that the combination of Ditzik, Kim and White disclose each and every limitation of the claim.

53. Applicant asserts that the subject matter of "the processor providing access to a computer system when the computer system [is] in a low power mode in response to verbal instructions from the speech recognition unit" in claim 51 is disclosed in the sections cited on pp.7-8 of the appeal brief filed September 6, 2006. Examiner disagrees as the sections cited do not support verbal commands to transition the computer system to a low power mode.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tse Chen whose telephone number is (571) 272-3672. The examiner can normally be reached on Monday - Friday 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tse Chen  
September 22, 2006

  
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